

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM HENRY FOSTER, III,

Plaintiff,

v.

GEORGE NYE, *et al.*,

Defendants.

No. 4:22-CV-00199

(Chief Judge Brann)

ORDER

AND NOW, this 20th day of October 2022, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motion (Doc. 18) for partial dismissal under Federal Rule of Civil Procedure 12(b)(6) is **GRANTED** in part and **DENIED** in part, as follows:
 - a. Foster's claims under the Religious Freedom Restoration Act, Fourteenth Amendment Due Process Clause, Section 1985(3), and Section 1988 are **DISMISSED** with prejudice for failure to state a claim upon which relief may be granted.
 - b. Foster's claims for injunctive relief are **DISMISSED** as moot.
 - c. Defendants' motion to dismiss is **DENIED** with respect to Foster's claim for punitive damages.
2. Defendants shall file an appropriate responsive pleading to Foster's complaint pursuant to the Federal Rules of Civil Procedure.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge